AMENDED IN ASSEMBLY JANUARY 14, 2000 AMENDED IN ASSEMBLY JANUARY 3, 2000 AMENDED IN ASSEMBLY SEPTEMBER 10, 1999

CALIFORNIA LEGISLATURE-1999-2000 REGULAR SESSION

ASSEMBLY BILL

No. 565

Introduced by Assembly Members Florez, Briggs, and Havice

February 19, 1999

An act to add Chapter 2.5 (commencing with Section 13814) to Title 6 of Part 4 of the Section 13814.5 to the Penal Code, relating to youthful offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 565, as amended, Florez. Youthful offenders: prevention-programs program plan.

Existing law establishes the California Gang, Crime, and Violence Prevention Partnership Program, the Juvenile Crime Enforcement and Accountability Challenge Grant Programs, and the Runaway Youth and Families in Crises Projects, as specified.

This bill would establish a grant program to provide funding for specified types of prevention and intervention programs for youthful offenders. It also would create within the Office of Criminal Justice Planning, the Office of Violence, Crime, and Gang Prevention to administer the grant program, develop a statewide plan for consolidating, augmenting, allocating, and coordinating violence, crime, and gang

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programs and resources, and to report annually to the Legislature, as specified provide that the Health and Welfare Agency shall be responsible for developing a statewide plan to be known as the California Violence Prevention and Public Health Plan that would make recommendations regarding augmentation, allocation, implementation, the gang coordination of violence, crime. and prevention programs and resources, to be submitted to the Legislature within 2 years of the enactment of this provision. The bill would also limit expenditures for the development of the plan to \$100,000.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Chapter 2.5 (commencing with Section 1 13814) is added to Title 6 of Part 4 of the Penal Code, to 3 read:

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CHAPTER 2.5. VIOLENCE PREVENTION AND PUBLIC HEALTH ACT

13814. This chapter shall be known and may be cited as the Violence Prevention and Public Health Act.

13814.2. The Legislature finds and declares all of the following:

- (a) Violence and crime are public health issues and 13 must be treated through a public health approach that (1) identifies risk factors that contribute to the occurrence of crime and violence, (2) implements protective factors to prevent and reduce crime and violence, and (3) implement community guidelines for 18 preventing, reducing and intervening in the commission 19 of crime and violence.
- (b) The United States Department of Justice has 21 estimated that crime costs four hundred ninety billion 22 dollars (\$490,000,000,000) per year in the form of stolen or damaged property, loss of productivity to society, loss of work time, costs to operate law enforcement and the

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eriminal justice system, and pain and suffering of victims. While these costs can be quantified in monetary terms, it 3 is the intangible costs of crime, namely fear, isolation, anger, and loss of trust, that can never truly be quantified or compensated for.

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- (c) The health-related costs of crime and violence are enormous. The average cost to treat a gunshot victim in California in 1993 was approximately twenty-five thousand eight hundred eighty-three dollars (\$25,883). In 1993 it cost seven hundred three million dollars (\$703,000,000) in direct medical care to treat wounded gunshot victims and fatalities. Over 80 percent of the medical care provided to gunshot victims were uncompensated costs that were passed on to the California public in 1995.
- (d) There are approximately 55 state programs that can be classified as violence, crime, or gang prevention programs and that are operated by 11 state departments within six separate agencies. Of these programs, approximately 17 target at-risk youth and young adults and are specifically designed to prevent or reduce violence, crime, or gang activity, while only a few programs specifically follow the public health model approach.
- (e) Consolidating many of the state's violence, crime, and gang prevention programs into one office will result in greater efficiency, cost effectiveness, and the sharing of resources, information, and experience. The Little Hoover Commission, and the Task Force to Review Juvenile Crime and the Juvenile Justice Response have both recommended that youth violence and crime prevention programs be consolidated into a single state agency to ensure greater effectiveness.
- 34 (f) There is a practical and strong need to improve 35 many of the state's current prevention programs by 36 requiring that they do all of the following:
- 37 (1) Target at-risk and young adults and at-risk families.
 - (2) Be community based and collaborative.

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(3) Follow the public health model approach for preventing or reducing violence, crime, and gang activity.

- (4) Identify measurable goals and objectives, including the improvement of attitudes and behaviors toward violence, crime, and gangs.
- (5) Be evaluated to ensure that goals and objectives are being met and that attitudes and behaviors are being improved.
- (g) California has no comprehensive plan or strategy for preventing violence, crime, and gang activity through preventive, public health approaches.
- (h) Despite recent declines in the arrest and 14 conviction rates of violent, criminal, and gang offenders, 15 the number of victims, arrests, and convictions remain unacceptably high.
- (i) California expends a significant amount of its 18 resources for law enforcement, incarceration, courts, prosecution, and public defense, approximately fifteen 20 billion five hundred million dollars (\$15,500,000,000) in 1994-95, while spending under two hundred fifty million dollars (\$250,000,000) for prevention programs targeting at-risk youth and young adults.
 - (j) The criminal justice approach to violence, crime, and gang activity cannot adequately bring violence, erime, and gang activity to an acceptable level, and must be balanced with other strategies, such as the prevention and public health approach, that can serve, prevent, and reduce violence, crime, and gang activity.
 - (k) There is a strong and practical need to develop new prevention policies to require the following:
 - (1) At-risk youth and young adults and at-risk families are targeted to receive services, support, or activities.
 - (2) Prevention efforts be community based and collaborative.
 - (3) Prevention efforts follow the public health model approach for preventing or reducing violence, crime, and gang activity.

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(4) Prevention efforts identify measurable goals and objectives, including the improvement of attitudes and behaviors toward violence, crime, and gangs.

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- (5) Prevention efforts are evaluated to ensure that goals and objectives are being met and that attitudes and behaviors are being improved.
- (1) Local communities need assistance and resources for developing and implementing effective strategies and programs to prevent, intervene, and reduce violence, erime, and gang activity.
- (m) It is the intent of the Violence Prevention and Public Health Act that the Office of Violence, Crime, and Gang Prevention be created to prevent and reduce violence, crime, and gang activity through preventive and public health strategies, that existing prevention programs be consolidated into and coordinated by the office for purposes of efficiency and cost effectiveness, that existing prevention programs be improved to ensure effectiveness and accountability, that a statewide plan be developed to ensure that prevention strategies are carried out throughout the state in a methodical and effective manner, and that new policy be established to fill in gaps in services that can prevent and reduce at-risk youth and young adults and at-risk families from beginning or continuing the cycle of violence, crime, or gangs. However, in consolidating existing prevention programs into the office, it is not the Legislature's intent that resources for those programs be eliminated, reduced, or affected in any way.
- 13814.3. (a) The Office of Violence, Crime, and Gang Prevention is hereby created within the Office of the Criminal Justice Planning.
- (b) The duties and responsibilities of the office shall include, but not be limited to, all of the following:
- (1) Consolidating, coordinating, and administering existing state-operated programs that are undertaken primarily for purposes of preventing at-risk youth and young adults and at-risk families from entering or continuing the cycle of crime, violence, and gangs. These

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programs do not include those programs operated by local government, such as probation programs.

- (2) Providing technical assistance and support to local communities, cities, and counties in designing and implementing effective programs and strategies for preventing and reducing the number of at-risk youth and young adults and at-risk families from engaging in crime, violence, and gangs.
- (3) Reviewing state-operated violence, crime, and gang prevention programs to determine if they are community based and require collaboration, if they follow the public health model approach in preventing or reducing violence, crime, and gang activity, if they 14 identify specific goals and objectives, if they require 15 measurable outcomes such as changes in attitudes and 16 behaviors, and if each program requires effective 17 evaluation of the program, and making 18 recommendations and changes where appropriate to ensure these programs contain these components.
- (4) Administering a grant program as described in 21 Section 13814.9 that makes resources available to community-based efforts that take a public health approach to preventing and reducing crime, violence, and gangs.
 - (5) Identifying and disseminating information regarding the availability of state, federal, public, and private funding which can be used for violence, crime, or gang prevention or intervention activities and services.
 - (6) Applying for funding from state, federal, public, and private sources that can be awarded to organizations through the grant program.
- (7) Analyzing state public policy to assess California's responses to crime, violence, and gangs, and issuing recommendations to ensure the state follows the public 35 health model approach in undertaking significant and 36 effective prevention and intervention efforts to prevent and reduce violence, crime, and gangs.
- (8) Evaluating existing state-operated prevention and 38 39 intervention programs to determine their effectiveness 40 in preventing or reducing violence, crime, and gangs, as

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well as in improving attitudes toward violence, crime, and gangs.

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- (9) Developing a statewide plan for consolidating, augmenting, allocating, and coordinating violence, crime, and gang prevention programs and resources. The plan shall be developed with the input and approval of the advisory board described in Section 13814.8 and shall be known as the California Violence Prevention and Public Health Plan.
- (10) Promoting and advocating at all levels of government for the provision, expansion, and funding of effective community-based prevention and public health programs as part of a balanced strategy for preventing and reducing violence, crime, and gangs.
- (11) Reporting annually to the Legislature, beginning 16 at the close of the second year of operation, no less than the following information:
 - (A) Activities taken by the office and their outcomes.
 - (B) Activities taken to implement the California Violence Prevention and Public Health Plan, and their
 - (C) The number of at-risk youth and young adults and at-risk families, as defined in this chapter, participating in violence, crime, and gang prevention programs operated by the state and by the office, and the outcomes of their participation.
 - (D) The number of youth arrested for violence, crime, or gang activity, the disposition of their arrest, and the number of youth made wards of the courts.
 - (E) The number of adults arrested for violence, crime or gang activity, the disposition of their arrest, and the number of adults sentenced to jail, state or federal prison.
 - (12) The office shall not engage, promote, or otherwise support containment or suppression-type activities which include, but are not limited to, types of activities that require the identification, monitoring, or disclosure of gang members, juvenile, or adult offenders to law enforcement agencies.
 - 13814.4. (a) A grant program is hereby established to carry out the goals specified in subdivision (b), and shall

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be administered by the Office of Crime, Violence, and 2 Gang Prevention in accordance with the provisions of this 3 chapter.

- (b) Programs administered under the grant program required by this section shall be designed at a minimum to do the following:
- (1) Improve attitudes and behaviors toward violence, crime, or gangs.
 - (2) Identify specific goals and objectives.
- (3) Take a public health model approach to preventing and reducing crime by identifying risk factors, implementing protective factors, and undertaking community campaign efforts.
- (4) Target at-risk youth and young adults, including 15 both males and females and those in or exiting the juvenile justice system, and at-risk families.
 - (5) Require the involvement of community-based organizations.
 - (6) Require collaboration with other organizations and agencies where appropriate.
 - (7) Require that each program be objectively evaluated to determine whether attitudes and behaviors toward violence, crime, or gangs are being improved and whether program goals and objectives are being met.
 - (c) This grant program shall provide funding to, but not be limited to, funding the following types of prevention and intervention programs:
 - (1) Community-based youth violence, crime, or gang prevention or early intervention programs.
 - (2) School-based youth violence, crime, or gang prevention programs.
 - (3) Early childhood intervention programs designed to prevent violence, crime, or gangs, and which serve young children and families at risk.
- (4) Family violence, domestic violence, and sexual 36 assault prevention programs.
 - (5) Programs that provide shelter and support services to at risk youth and their families.
- (6) Prevention programs that include alcohol and 40 substance abuse prevention efforts.

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(7) Intervention programs that provide support services to youth and young adults in or exiting the juvenile justice system, and their families.

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- (8) Prevention programs that include health care services.
- SECTION 1. Section 13814.5 is added to the Penal Code. to read:
- 13814.5. (a) The Health and Welfare Agency shall be 9 responsible for developing a statewide plan known as the 10 California Violence Prevention and Public Health Plan which shall make recommendations regarding allocation, 12 augmentation, implementation, and 13 coordination of violence, crime, and gang prevention 14 programs and resources. The report shall be prepared in 15 consultation with the Department of Justice, the State 16 Department of Social Services, the Board of Corrections, 17 the Office of Drug and Alcohol Programs, the Office of 18 Criminal Justice Planning, nonprofit community-based 19 organizations, chief probation officers, and the State 20 Department of Education.
- (b) The goal of the California Violence Prevention and 22 Public Health Plan is to reduce youth violence, crime and 23 gang activity to a reasonable level within 10 years, and to 24 reduce it further or to maintain it at a reasonable level 25 thereafter. The plan shall contain measurable objectives 26 for reaching this goal, which shall include, but not be limited to, the following:
- (1) Identification of effective and promising 29 prevention and public health strategies that can reduce 30 violence, crime and gang activity.
- (2) Implementation of effective and 32 prevention and public health strategies in communities experiencing significant levels of violence, crime or gang activity.
- (3) The identification and procurement of resources 36 which can assist in reaching the plan's goal.
- 37 (4) Recommendations for improving the effective 38 delivery and new prevention of current services, 39 including the consolidation and coordination of such services. 40

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(5) An evaluation of how local and state government responds to youth violence, crime and gang activity and recommendations for improving these responses.

(6) Evaluation efforts determine whether to prevention and public health strategies are reducing youth violence, crime and gang activity.

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- (c) The statewide California Violence Prevention and Public Health Plan shall contain the following:
- (1) Current information regarding the commission of crime and violence in California, gangs and gang activity, research on the effectiveness and cost effectiveness of violence, crime, and gang prevention programs 14 strategies, and any other pertinent information.
- summary of violence, crime, (2) A gang 16 prevention programs operated by the state, and the level of funding allocated annually to such programs.
- (3) Identification of "gaps" in prevention and early 19 intervention policies and services at the state and local levels.
 - (4) Identification of risk factors that place at-risk youth and young adults and at-risk families at risk for entering or continuing the cycle of violence, crime, or gangs.
 - (5) Identification of protective factors that can prevent and reduce violence, crime, or gangs.
 - community (6) Identification of guidelines for preventing and reducing violence, crime, and gangs.
 - (7) Short-term and long-term strategies and plans for implementing protective factors and community guidelines which can prevent and reduce violence, crime, and gang activity in each county of California that experiences significant violence, crime, or gang activity.
- (8) A plan for securing resources and working with 34 local communities to implement these strategies and plan throughout the state.
- (9) An identification of state-operated prevention and 37 intervention programs which shall be consolidated into the office and an identification of those programs which shall be coordinated with by the office.

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- 1 (d) In developing the plan, the office—and advisory
 2 board shall take in consideration existing prevention and
 3 intervention efforts being carried out, such as those
 4 undertaken by the California Children and Families First
 5 Commission, and attempt to coordinate and collaborate
 6 with and complement those efforts, where appropriate.
 7 The office—and advisory board shall also consider
 8 developing short-term and long-term strategies and
 9 implementing them on a pilot basis in certain counties
 10 and regions of the state.
 - (d)

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- 12 (e) The plan shall be submitted to the Legislature 13 within two years of the enactment of this chapter.
 - 13814.6. (a) For purposes of this chapter at-risk youth and young adults are defined to include, but not be limited to, persons between the ages of five and 25 years who fall into no less than two of the following categories:
 - (1) Live in a high crime or high violence neighborhood as identified by state or federal agencies.
 - (2) Live in a low-income neighborhood as identified by the United States Census Bureau.
 - (3) Are excessively absent from school or performing poorly in schools.
 - (4) Come from socially dysfunctional families as diagnosed by a social service or health professional.
 - (5) Have been emotionally, physically, or sexually abused.
 - (6) Have entered the juvenile justice system.
 - (7) Are identified by the juvenile justice system as being at risk.
 - (8) Are current or former gang members.
 - (9) Have one or more family members who are current or former gang members.
- 34 (10) Are wards of the court, as defined in Section 601 or 602 of the Welfare and Institutions Code.
- 36 (11) Have recently been released from the California 37 Youth Authority, juvenile hall, boot camp, or other state 38 or local governmental youth detention facility.

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(b) At-risk families are defined to include, but not limited to, families that meet one of the following two circumstances:

- (1) Are comprised of at least one at-risk youth or young adult as defined in this section.
- (2) Have been identified as at risk of engaging in negligent, abusive, or criminal behavior.
- 13814.7. (a) The following state programs and the personnel that operate them shall be transferred into the Office of Violence, Crime, and Gang Prevention within one to two years of enactment of this chapter in accordance with a plan adopted by the Legislature:
- (1) From the office of the Attorney General, the California Gang, Crime, and Violence Prevention Partnership Program.
- (2) From the Board of Corrections, the At-Risk Youth Early Intervention Program, the Juvenile Crime Enforcement and Accountability Challenge Grant Program, and the Repeat Offender Prevention Grant 20 Program.
 - (3) From the California Department of Education, the Conflict Resolution and Youth Mediation Program, the Gang Risk Intervention Program Grant, the High Risk Youth Education and Public Safety Program, and the Targeted Truaney and Public Safety Program.
 - (4) From the Department of Social Services, the Community Alternatives to Violence Program, and the Juvenile Crime Prevention Initiative Program.
 - (b) In consolidating the programs specified in subdivision (a), into the Office of Violence, Crime and Gang Prevention, it is the intent of the Legislature that these programs continue to receive funding subject to applicable legislation, if they are found to be promising or effective in preventing or reducting violence, crime or gang activity, and if they are found to be promising or effective in improving attitudes and behaviors of at-risk youth, young adults or families toward violence, crime and gangs.
- 39 (c) The office shall not be precluded from entering 40 into a memorandum of understanding with state

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departments operating any of the programs identified in this section for purposes of allowing the state departments to continue operating any of those programs if the program is schedule to terminate within one year 5 of the date the program is to be transferred to the office.

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- (d) The office and the advisory board shall develop the plan for transferring these programs into the office in a timely and orderly fashion.
- 13814.8. (a) An advisory board shall be formed to 10 meet at least four times a year and to carry out the following duties:
 - (1) Provide direction and make recommendations regarding the activities, priorities, and policies of the office.
 - (2) Provide input and recommendations for the statewide prevention plan to be developed by the office pursuant to paragraph (9) of subdivision (b) of Section 13814.3.
 - (3) Take a visible and active role to inform the public of the need for expanding and funding public health and prevention strategies which can effectively prevent and reduce violence, gangs, and crime.
 - (4) Develop relationships with the public and private sector for purposes of applying for and securing resources for the grant program.
 - (5) Assist the office in promoting prevention programs and strategies in local communities.
 - (6) Assist the office in developing state prevention and intervention policy that "fill in the gap" in existing policy relating to at-risk youth, young adults, and wards under the jurisdiction of the juvenile justice system.
 - (b) The advisory board shall be comprised of the following members:
 - (1) The Director of the Office of Criminal Justice Planning.
- 36 (2) The Director of the Department of Health 37 Services.
- (3) The Director of the Department of the California 38 Youth Authority.

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(4) A chief probation officer to be appointed by the 2 Governor.

- (5) A local law enforcement officer to be appointed by the Governor.
- (6) A health professional with expertise in violence, crime, or gang prevention issues to be appointed by the Director of the Office of Criminal Justice Planning.
- (7) A social or health practitioner having expertise in violence, crime, or gang prevention matters to be appointed by the Director of the Office of Criminal Justice Planning.
- (8) A criminologist or juvenile justice expert having specialized knowledge with violence, crime or gang prevention matters to be appointed by the Director of the 15 Office of Criminal Justice Planning.
 - (9) A representative of a school district or county office of education that has implemented a collaborative, school-based violence, crime or gang prevention program, to be appointed by the Director of the Office of Criminal Justice Planning.
- (10) Representatives of no less than three community-based organizations that follow the public health model approach in preventing or reducing youth 24 violence, crime, or gang activity to be appointed by the 25 Director of the Office of Criminal Justice Planning.
 - (11) Two youth members under the age of 25 years who have experience in programs, services, or activities relating to preventing violence, crime, or gangs.
 - (12) Two members who shall be former youth offenders or former gang members who are presently working in a community-based setting to prevent youth from engaging or continuing the cycle of violence, crime, or gangs, to be appointed by the Director of the Office of Criminal Justice Planning.
- (13) A representative of the community-based 35 36 organization that provides alcohol abuse education, 37 prevention, or treatment services to be appointed by the 38 Director of the Office of Criminal Justice Planning.
- 39 (14) A representative of a community-based organization that provides substance abuse education, 40

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prevention, or treatment services to be appointed by the Director of the Office of Criminal Justice Planning.

13814.9. (a) The Youth Violence, Crime, and Gang Prevention Fund is hereby created in the State Treasury. Funds received from private, state, or federal sources for violence, crime, or gang prevention purposes may be deposited into the fund. Upon appropriation for those purposes by the Legislature, these funds shall be used by the Office of Youth Violence, Crime, and Gang Prevention to carry out the purposes of this chapter. 10 Funds received by the office shall also be used to fund the Runaway Youth and Families in Crisis Project as enacted pursuant to Chapter 1065 of the Statutes of 1998 for the purpose of providing services in the Central Valley, northern California and in southern California, and to the California Gang, Crime and Violence Prevention Partnership Program, as enacted pursuant to Chapter 885 of the Statutes of 1997, for the purpose of providing services to the 30 grantees who were awarded funds in 1998 under that chapter and who have satisfactorily met their contract obligations.

(b) Funding for the Office of Youth Violence, Crime, and Gang Prevention shall come from the General Fund in an amount equal to _____ percent of the operating budget of the Department of the Youth Authority, and shall increase annually by between 5 percent and 10 percent until the operating budget of the office equals the operating budget of the Department of the Youth Authority.

(f) *No* more than one hundred thousand dollars (\$100,000) may be expended for the development of this

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34 CORRECTIONS

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